



Docket No.: 1293.1204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byung-in MA et al.

Serial No. 09/844,697

Group Art Unit: 2655

Confirmation No. 9532

Filed: April 30, 2001

Examiner: Jorge L. Ortiz Criado

For: ERROR SIGNAL DETECTION APPARATUS AND METHOD FOR OPTICAL RECORDING/REPRODUCING SYSTEM

**COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed December 15, 2004. In the Statement, the Examiner indicates certain features as not being shown in the prior art and other features as being in the prior art. As an initial point of clarification, it is respectfully submitted that the Statement does not accurately reflect the features of claims 1-42 and 44-46 as presented. BY way of example, it is noted that the method presented in the Statement does not reflect at least apparatus claim 12. Moreover, it is respectfully submitted that, contrary to the Examiner's assertion, additional features in claims 1-42 and 44-46 are not shown or suggested in the prior art such that the ultimate allowability of claims 1-42 and 44-46 is not constrained to features indicated as not being shown in the prior art as set forth in the Statement.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible

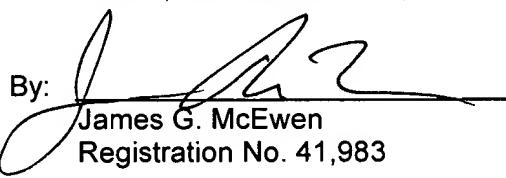
misinterpretations of his or her statement that may be made and its possible estoppel effects.

It is respectfully submitted that, while the Examiner characterizes certain features of various claims, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: March 14, 2005

By:   
James G. McEwen  
Registration No. 41,983

1400 Eye St., N.W., Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510